

IN THE UNITED STATES DISTRICT COURT

FILED
JAMES BONINI
CLERK

SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

Case No. 1-02-CR-28 AMH-93

Plaintiff,

Judge Weber

vs

MOTION TO WITHDRAW

AND/OR TO REMOVE COUNSEL

RICARDO G. LEE

1-02-cr-022

Defendant

Now comes the plaintiff, Ricardo Lee, in prose
who does hereby respectfully moves to submit this motion
to withdraw or to remove counsel, in the above captioned case
number.

The plaintiff attaches hereto this motion a
memorandum in support, setting forth substantial reasons
why the relief requested should be granted.

Respectfully submitted

FARETTA V. CALIFORNIA 422 U.S. 835

FOLEY V. COLLINS 253 F.3d 244 (6th

Cir 200)

RICARDO G. LEE (Prose)

GRANT COUNTY JAIL

212 BARNES Rd

Williamstown, KY 41097

MEMORANDUM IN SUPPORT

This court appointed public defender Mr. Richard Smith-Monahan to represent the defendant in case number 1:02-cr-00077 on the charge of probation violation.

On the date of November 15, 2005 Mr. Monahan visited the defendant and continuously wanted the defendant to waive his constitutional right to have sentencing imposed fairly and impartially and within the statutory required guideline, and to accept an 18 month sentence which was 6 months over the allowable guideline. So this upset Mr. Smith-Monahan that the defendant wouldn't accept an 18 month sentence.

On November 16, 2005 Judge Weber sentenced the defendant to 9 months in federal prison.

Since sentence has been imposed the defendant has made several attempts to find out where he is going to be designated by contacting Mr. Smith-Monahan. The defendant in contacting counsel has been very respectful with manners. However because the defendant has assisted inmate Antoine Lee with his legal filings within this federal court before the honorable judge Beckwith, Mr. Smith-Monahan made it absolutely clear that the defendant herein is not liked by anyone in the federal Public Defenders office, and that I was not welcome to call the public defenders office anymore because the defendant was asking outrageous favors by asking the secretary for the federal public defenders office to call the U.S. Marshall in order to find out where the defendant will be designated.

Mr. Smith-Monahan threatened the defendant saying that "The defendant better be careful in helping
(2)

inmates, pre-trial detainees, with their cases or else I will be shipped somewhere to a federal prison where my safety or well being will be in jeopardy. Mr. Smith-Monahan also stated that the defendant better be careful what he asked for, which Mr. Smith-Monahan made a direct threat towards the defendant.

Based on irreconcilable differences between the defendant and Mr. Smith-Monahan as well as The federal public defenders office the defendant now moves to remove Mr. Smith-Monahan as well as the entire federal public Defenders office from further representing the defendant now, in the future, including the immediate future.

Thus far the defendant forever prays that this court would grant him the right to remove Mr. Smith-Monahan and the federal public defender from representing the defendant now. This includes the federal public defender not being allowed to make any recommendations on the behalf of the defendant on B.O.P designations and security levels, as well as any issue of the defendants competency, or any legal situation where counsel may be needed such as questioning of the defendant, or any court appearances that the defendant may have to attend where counsel is needed. Richard Smith-Monahan and all members of the federal public defenders office are not permitted to represent the defendant, and are not permitted to file any litigation on behalf of the defendant.

The defendant prays that this court would grant his request to remove federal public

defender Mr Smith-Monahan as well as ALL members of the federal public defenders office from representing the defendant now and in the future according to the law and the administration of Justice.

The defendant states that it will certainly deprive him of his constitutional rights of self representation, his right to not have counsel forced on him and to proceed in Pro Se.

Mr. Smith-Monahan has violated the client-attorney privacy rights of the defendant, and he or any member of the Federal Public defenders office cannot be trusted to maintain any confidentiality right that the defendant enjoys. And Mr. Smith-Monahan has violated Cannon rules of Ethics/Code of professional responsibility.

Respectfully submitted,



RICARDO G. LEE (Pro se)

Grant County, Ky.

212 Barnes Rd

Williamsburg, Ky. 41097

PROOF OF SERVICE

I Ricardo Lee do hereby state
that a true and accurate copy of the
attached motion to withdraw counsel was sent
to the United States Attorney on this 23 day of
December 2005 via US postage

Respectfully submitted

Pro se

Ricardo Lee

212 Barnes Rd
Williamstown KY 41097